

ENVIRONMENTAL PROTECTION COMMISSION  
MINUTES  
JOINT PUBLIC HEARING WITH ZONING BOARD OF APPEALS  
OCTOBER 1, 2003

The October 1, 2003 joint public hearing with the Environmental Protection Commission and the Zoning Board of Appeals was called to order at 7:50 p.m. in Room 206 of the Darien Town Hall.

Environmental Protection Commission Members Present: Peter Hillman, Susan Cameron, Robert Kenyon and Nina Miller

Zoning Board of Appeals Members Present: Ramsay Bell, Richard Sanford, Jeffrey Williams, Gary Greene and Everett Drugge

Staff Present: Nancy Sarner and Robert Woodside

EPC Chairman Peter Hillman announced that he and ZBA Chairwoman Ramsay Bell had decided that he would chair the joint public hearing of the Environmental Protection Commission and the Zoning Board of Appeals. He opened the hearing and read the following agenda items into the record:

EPC-93-2003, Foster Kaali-Nagy, 59 Five Mile River Road, proposing the demolition of an existing house, construction of a single-family residence, new larger driveway, installation of a stone retaining wall, walkways, plantings, a.c. units and propane tank, fill and regrading activity, drainage improvements, and perform related site development activities within a regulated area. The property is located on the north side of Five Mile River Road approximately 170 feet east of the intersection of Berry Lane and Five Mile River Road, shown on Tax Assessor's Map #66 as Lot #10.

ZBA CALENDAR NO. 69-2003: The application of Lampert, Williams & Toohey LLC on behalf of Foster Kaali-Nagy filed on June 18, 2003 for interpretations of Sections 371 and 385, and variations of Sections 334 and 406, of the Darien Zoning Regulations to allow the construction of a replacement two and one half story dwelling. Section 371: an interpretation that the proposed 5.75' x 5.75' by 8.5' high roof structure (cupola) is an acceptable architectural feature exempt from the height regulations; Section 385: a determination that the subject lot is a legal nonconforming building lot; Section 334: construction on a building lot with 88.0 in lieu of 100.0 feet minimum required lot depth and 85.0 in lieu of 100.0 feet minimum required lot width; and Section 406: 35.0 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Five Mile River Road. The property is situated on the north side of Five Mile River Road approximately 170 feet east of the intersection of Berry Lane and Five Mile River Road and is shown on Tax Assessor's Map #66 as Lot #10, being 59 Five Mile River Road and located in an R-1/2 (residential) Zone.

ZBA member Everett Drugge announced that a site visit took place on or about September 25, 2003 to observe the circumstances of the property. He has been joined at the site by ZBA member Dick Sanford, EPC member Susan Cameron, EPC Staff Nancy Sarner and ZBA Staff Robert Woodside. Mr. Drugge said that, in his opinion, repairs and reuse of the existing structure are impractical. Mr. Sanford stated that he just looked around the structure. Ms. Cameron stated that she primarily observed the site.

ENVIRONMENTAL PROTECTION COMMISSION  
MEETING MINUTES FOR OCTOBER 1, 2003  
JOINT PUBLIC HEARING WITH THE ZONING BOARD OF APPEALS  
PAGE 2

In order to address questions and concerns raised during the September 17, 2003 joint public hearing, Attorney Toohey reviewed the ownership of lots adjacent to the subject property, Tax Lot #10 known as 59 Five Mile River Road. Atty. Toohey stated that Mr. Kaali-Nagy does not own Tax Lot 9. That strip of land is owned by a Sharon Workman. He provided a clarification map and title search information for Tax Lot 9 owned by Workman, Tax Lot 10 owned by Kaali-Nagy and a separate Tax Lot 7, which is a 15 feet right of way located to the north of the adjacent Zak property. Atty. Toohey concluded that the Kaali-Nagy property has a total of 85.69 feet fronting on Five Mile River Road as identified on the submitted survey. Atty. Toohey provided a Letter of No Objection dated September 17, 2003 from Sharon Workman who owns the adjacent 10 feet strip of land.

Atty. Toohey said that the recent project at the adjacent Callaghan property did not receive review and approval by the Environmental Protection Commission. He noted that not all Five Mile River Road projects have been reviewed by EPC.

Steve McAllister of McChord Engineering reviewed the revised site plan and stated that the proposed house has been shifted east and the rear back up area was reduced in order to preserve three existing trees along the west property line and a Cedar near the end of the proposed driveway. He said that three spruce trees would be planted along this property line. He stated that the proposed impervious area on the site had been reduced by proposing the use of block pavers filled with gravel for the driveway. He later stated that the existing impervious coverage is 2,250 square feet and the proposed impervious coverage is 1,915 square feet, and that the existing building coverage is 1,455 square feet and proposed building coverage is 1,395 square feet.

Mr. McAllister noted that additional mitigation has been incorporated in the plan by proposing the installation of underground stormwater galleries for groundwater recharge and water quality treatment, and the creation of a planted riparian buffer.

Architect Alex Kaali-Nagy said they are trying to meet all the rules possible and address concerns expressed by both boards during the September 17, 2003 joint Public Hearing. He explained that the proposed third floor was cut down in order to reduce the volume, the eave line has been brought down, and the cupola was reduced in size. Mr. Kaali-Nagy said that they are trying to be in line with the Five Mile River Road aesthetic style, as well as improve safety and environmental conditions. He said he thinks that it enhances the building and adds livability to the rooms.

ZBA member Dick Sanford asked if the proposed front gables could be reduced to a hip shape matching the back elevation. Mr. Alex Kaali-Nagy responded yes.

ZBA Staff member Robert Woodside inquired to the material to be used for the chimneys. Mr. Kaali-Nagy said that the proposed chimneys would be covered in wood shingles and they would not be red, as shown on the colored drawing board.

ZBA member Dick Sanford inquired to the cupola. Mr. Kaali-Nagy replied that the proposed cupola has been reduced in size from 6 feet to 4 feet. He explained that the cupola contains a skylight to provide light for the third floor.

ENVIRONMENTAL PROTECTION COMMISSION  
MEETING MINUTES FOR OCTOBER 1, 2003  
JOINT PUBLIC HEARING WITH THE ZONING BOARD OF APPEALS  
PAGE 3

EPC member Susan Cameron asked Mr. McAllister to compare concrete pavers to gravel. Mr. McAllister responded that the proposed driveway pavers would have gravel in their cores that would not get compacted as much due to the block form bearing the weight of vehicles. He added that the whole drive would be paver material. Ms. Cameron thought that the use of gravel in the pavers might be preferable to grass since fertilizers would not be used.

ZBA Chair Ramsay Bell asked what the hardship is for the requested front setback variance and asked why not slide the proposed house 10 feet farther back from Five Mile River Road. Atty. Toohey responded that they did not want to encroach any closer to the river and that sliding the house back may make the driveway steeper. He noted that the proposed residence would be 9 feet farther back than the existing house and that they have tried to find a comfortable balance.

Mr. Kaali-Nagy said that there is a critical grading issue with the driveway. In response to a question, Mr. McAllister said that the slope of the proposed drive would be 10 to 11% at its steepest in the center. He noted that farther back it would be flatter where it is closest to the flood zone.

EPC member Nina Miller asked about required fill associated with the retaining wall. Mr. McAllister replied that the proposed west retaining wall should reduce the amount of fill and earth work and allow for more effective renovation of stormwater. Atty. Toohey added that the existing driveway is a pull off area, and that no major cuts and fill are required for the proposed

EPC Chair Peter Hillman noted that the State Department of Environmental Protection Commission had forwarded their concerns to the Planning and Zoning Commission regarding the proposed retaining wall. Atty. Toohey responded that Mr. McChord did speak with the John Gaucher of the DEP and that the DEP concerns will be addressed before the Planning & Zoning Commission.

Atty. Toohey concluded that there has been a significant effort by the applicant to address all of the issues. He summarized that the plan modifications preserved and added trees, changed the driveway materials, reduced the driveway length, and reduced the volume of the residence. He clarified that no adjacent property is owned by the applicant. He added that the applicant had invited the board members to view the interior of the house.

ZBA Chair Ramsay Bell and EPC Chair Peter Hillman agreed, with consent of the two Boards, to close the Joint Public Hearing for Wetlands Permit Application #EPC-93-2003 and ZBA Calendar No. 69-2003. The two boards commenced their respective agendas separately.

Respectfully submitted,

Nancy Sarner  
Environmental/GIS Analyst